

Notice of Allowability

Application No.

09/809,827

Examiner

Holly Schnizer

Applicant(s)

ANDERSON ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 6/25/04.
2. ☒ The allowed claim(s) is/are 42,47-51,57 and 114-116.
3. ☒ The drawings filed on 30 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen J. Rosenman on September 8, 2004.

The application has been amended as follows:

IN THE CLAIMS:

42. (amended) An isolated recombinant human adenine nucleotide translocator 1 (ANT1) polypeptide comprising the amino acid sequence set forth in SEQ ID NO:31, wherein the recombinant human ANT1 polypeptide ~~is capable of binding~~ binds an ANT ligand and is produced by a method comprising culturing a host cell comprising a recombinant expression construct comprising at least one regulated promoter operably linked to a nucleic acid encoding the ANT1 polypeptide.

47. (amended) An isolated adenine nucleotide translocator 1 (ANT1) fusion protein comprising an ANT1 polypeptide fused to at least one additional polypeptide sequence, wherein said ANT1 polypeptide has at least 95% amino acid sequence

Art Unit: 1653

identity to the sequence of a human ANT1 polypeptide as set forth in SEQ ID NO:31, and wherein the ANT1 fusion protein ~~is capable of binding~~ binds an ANT ligand.

51. (amended) An isolated adenine nucleotide translocator 1 (ANT1) fusion protein comprising an ANT1 polypeptide fused to at least one additional polypeptide sequence cleavable by a protease, said ANT1 polypeptide being separable from the fusion protein by cleavage with the protease, wherein said ANT1 polypeptide has at least 95% amino acid sequence identity to the sequence of a human ANT1 polypeptide set forth in SEQ ID NO:31, and wherein the ANT1 fusion protein ~~is capable of binding~~ binds an ANT ligand.

The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach an isolated human ANT1 having an amino acid sequence identical to SEQ ID NO:31 or a fusion protein comprising ANT1 and at least one additional polypeptide sequence wherein the amino acid sequence of the ANT1 is at least 95% identical to SEQ ID NO:31 and wherein the fusion protein binds an ANT ligand. Thus, Claims 42, 47-51, 57, and 114-116 are allowable.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Schnizer whose telephone number is (571) 272-0958. The examiner can normally be reached on Monday through Wednesday from 8 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on (571) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Holly Schnizer
September 13, 2004


JON WEBER
SUPERVISORY PATENT EXAMINER